

OCT 29 2007

CATHY A. CATTERSON, CLERK
U.S. COURT OF APPEALS

NOT FOR PUBLICATION

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

JASMEET SINGH GILL,

Petitioner,

v.

PETER D. KEISLER,** Attorney General,

Respondent.

No. 04-73511

Agency No. A79-565-880

MEMORANDUM*

On Petition for Review of an Order of the
Board of Immigration Appeals

Argued and Submitted October 19, 2007
San Francisco, California

Before: KLEINFELD and RAWLINSON, Circuit Judges, and RESTANI***,
Judge.

* This disposition is not appropriate for publication and is not precedent except as provided by 9th Cir. R. 36-3.

** Peter D. Keisler is substituted for his predecessor, Alberto R. Gonzales, as Acting Attorney General of the United States, pursuant to Fed. R. App. P. 43(c)(2).

*** The Honorable Jane A. Restani, Chief Judge, United States Court of International Trade, sitting by designation.

Jasmeet Singh Gill petitions for review of the Board of Immigration Appeals' denial of his petition for asylum, withholding of removal and relief under Article 3 of the Convention Against Torture (CAT).

We conclude that substantial evidence supports the Immigration Judge's adverse credibility determination and the consequent denial of asylum and withholding of removal. *See Kaur v. Gonzales*, 418 F.3d 1061, 1067-68 (9th Cir. 2005). Because Gill's CAT claim rests on the same testimony rejected by the IJ as not credible, his CAT claim also fails. *See Farah v. Ashcroft*, 348 F.3d 1153, 1157 (9th Cir. 2003).

PETITION DENIED.